

### **REMARKS/ARGUMENTS**

Applicants would like to thank the Examiners for granting an interview regarding this case. During the interview that occurred on October 14, 2008, the Applicants' representative and the Examiners discussed the claims and cited references Rodriguez and Garfinkle. No agreement was met. Further clarification of the Applicants' arguments are provided below.

#### **35 U.S.C. §103 Rejection, Rodriguez et al. in view of Garfinkle**

Applicants respectfully traverse the *prima facie* case of obviousness set forth in the Office Action regarding claims 1-3, 6, 7-14, 16-22, 25-28, 30-33 and 35.

#### **Teachings Missing from the cited references: linearly scheduled programming and view limit curtailment**

Applicants believe Rodriguez and Garfinkle do not, either alone or in combination, teach or suggest the invention in the claims. More specifically, neither Rodriguez nor Garfinkle teach or suggest "a viewing limit configuration menu adapted to receive parental control rules from an end user, wherein the parental control rules define program viewing limits for one or more time periods that curtail predetermined rights of linearly-scheduled programs to create defined program viewing limits" as generally required by all the claims.

#### **Rodriguez does not disclose linearly scheduled programs or view curtailment after purchase**

Rodriguez does not disclose a program distribution system to provide linearly-scheduled programming as generally recited in all the claims. Rodriguez discloses a system for presenting "bi-directional services that are purchasable for a period of time and rendered to a buying subscriber on an individualized basis as offered by the cable television system" (§ [0006]). The bi-directional services are purchased on-demand or a reservation time for the service is individually scheduled (§ [0051], emphasis added).

Rodriguez provides no ability for a parent to define program viewing limits for one or more time periods that curtail prior rights of linearly-scheduled programs. Rodriguez simply discloses a system that provides a basic PIN entry window "during the purchase of a

session . . . to authenticate authorization to purchase and exercise parental control of purchase” (§ [0143]) or the power to a block a service from purchase (§ [00145]).

***Garfinkle does not disclose view limit curtailment of predetermined rights***

The control system of Garfinkle does not provide any way to modify the rights selected after purchase. Garfinkle discloses a program viewing limits that are fixed by a central station or may be specified by the customer when he orders the program at purchase (col. 3, lines 39-42, emphasis added) and thus does not curtail the predetermined rights of linearly scheduled programs as generally required by all the claims. The Office Action properly sets forth that Rodriguez does not disclose parental control rules define program viewing limits for one or more time periods for linearly-scheduled program (Office Action at page 5, lines 5-6). Rodriguez and Garfinkle cannot, either alone or in combination, teach or suggest the invention in the claims.

***Rodriguez/Garfinkle combination would produce a system contrary to Applicant’s claims***

Garfinkle teaches a system where the rules defining program viewing limits are determined at the time of purchase of a video. Rodriguez then teaches either blocking access to a service from purchase or requiring a PIN access number for purchases. If one were to combine Garfinkle with Rodriguez, one would end up with a system where either there was complete blockage, thus no defined programming limits for one or more time periods, or a system that would allow anyone, including a child, who entered a valid PIN code to possibly set the limits at the time of purchase; this would defeat the purpose of the parental control rules as claimed.

***Summary: Proposed combination does not teach or suggest view limit curtailment of prior rights of linearly schedule programs***

The proposed combination does not teach or suggest the invention in the claims. There is no view limit menu to receive parent defined program viewing limits for one or more time periods that curtail predetermined rights of linearly-scheduled programs to create defined program viewing limits. Applicants respectfully request reconsideration of the 35 U.S.C. §103(a) rejection to the amended claims 1, 20, and 33 and their respective dependent claims 2-3, 7-19, 21-22, 26-32, and 34-35.

Appl. No. 10/824,625  
Amdt. dated October 20, 2008  
Amendment under 37 CFR 1.116 Expedited Procedure  
Examining Group 2623

PATENT

**35 U.S.C. §103 Rejection, Rodriguez in view of Garfinkle and further in view of Cragun and Casement and Larocca**

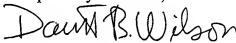
Claims 4, 5, 15, 23-25, 29, and 34 are allowable for at least the reasons that their respective parent claims are. Applicants respectfully request reconsideration of the 35 U.S.C. §103(a) rejection to dependent claims 4, 5, 15, 23-25, 29, and 34.

**CONCLUSION**

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance and an action to that end is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,



David B. Wilson  
Reg. No. 57,816

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, Eighth Floor  
San Francisco, California 94111-3834  
Tel: 303-571-4000  
Fax: 415-576-0300  
TDF: cmb

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